

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR DEWAYNE TOWNSEND, JR.,

Plaintiff,

v.

MIKE RUIZ, et al.,

Defendants.

No. 2:20-cv-1179 KJM AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 9, 2021, the Court referred this action to its Alternative Dispute Resolution Project (“ADR Project”), and the matter was stayed. See ECF No. 32. On December 20, 2021, the Court’s order, which had been served on Plaintiff at his last known address, was returned to the Court as “undeliverable, RTS, vacant, unable to forward.”

Thereafter, Defendants filed a motion to opt out of the ADR Project, and on January 27, 2022, the motion was granted and the stay was lifted. See ECF Nos. 33, 34. At that time, pursuant to an earlier-issued court order (see ECF Nos. 26, 31), Plaintiff had thirty days within which to file a Third Amended Complaint. See ECF No. 34 at 1. On February 7, 2022, that order was also returned to the Court as “undeliverable, RTS, not at this address, unable to forward.”

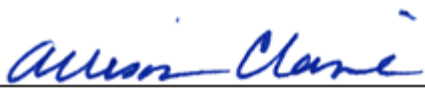
1 More than sixty-three days have passed since December 20, 2021, the date that the
2 Court's December 9, 2021, order was returned to the Court as undeliverable. During that period,
3 Plaintiff has neither filed a change of address form with the Court, nor has he responded to the
4 Court's orders in any way.

5 Although it appears that Plaintiff's copies of both orders were returned, Plaintiff was
6 properly served. It is Plaintiff's responsibility to keep the Court apprised of his current address at
7 all times. Pursuant to Local Rule 182(f), service of both orders at the address of record of the
8 party is fully effective.

9 Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without
10 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
13 after being served with these findings and recommendations, Plaintiff may file written objections
14 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings
15 and Recommendations." Plaintiff is advised that failure to file objections within the specified
16 time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
17 Cir. 1991).

18 DATED: March 7, 2022

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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